

AUG 11 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DONALD MARIN MARTINEZ DE
LEON; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-77267

Agency Nos. A79-523-213
A79-523-214
A79-523-215
A79-523-216
A79-523-217

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted August 7, 2006 **

Before: SCHROEDER, Chief Judge, REINHARDT and HAWKINS, Circuit Judges.

Respondent's motion to dismiss this petition for review for lack of
jurisdiction is granted with respect to petitioner Sandra Fabiola Molina Ramirez
and with respect to petitioner Donald Marin Martinez de Leon's cancellation of

* This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

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removal claim. *See* 8 U.S.C. § 1252(a)(2)(B)(i); *Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003); *Montero-Martinez v. Ashcroft*, 277 F.3d 1137, 1144 (9th Cir. 2002).

Respondent's motion for summary disposition is granted with respect to petitioner Donald Marin Martinez De Leon's remaining claims, because the questions raised are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard); *Zheng v. Ashcroft*, 332 F.3d 1186 (9th Cir. 2003). Petitioners Donald Fernando Martinez Molina, Sandra Paola Martinez Molina, and Leonardo Daniel Martinez Molina have not applied for any relief. Accordingly, this petition for review is denied with respect to petitioners Donald Marin Martinez De Leon, Donald Fernando Martinez Molina, Sandra Paola Martinez Molina, and Leonardo Daniel Martinez Molina.

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

DISMISSED IN PART, DENIED IN PART.

REINHARDT, Circuit Judge, dissenting:

I would deny the motion to dismiss with respect to the claims for cancellation of removal, because petitioners have raised colorable legal questions that give this court jurisdiction over this petition for review. *See Torres-Aguilar v. INS*, 246 F.3d 1267 (9th Cir. 2001). I would deny the motion for summary affirmance with respect to petitioner Donald Marin Martinez De Leon's other claims, because the questions raised are sufficiently substantial to require further argument.